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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 FRANCIS HORN, No. CIV-S-05-0814 MCE/KJM
12 Plaintiff,
13 v. ORDER
14 STATE OF CALIFORNIA, ET AL.,
15 Defendants.
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17 On April 27, 2005, Defendant filed a motion to dismiss in
18 the above-entitled case. Through inadvertence or electronic
19 failure, the motion was filed in *(HC) Jackson v. Kernan, et al.*,
20 bearing a similar case number (CIV S-05-00081 FCD-KJM) rather
21 than this case number (CIV S-05-00814 MCE KJM).

22 Subsequent corrective measures to cure technical filing
23 problems proved unsuccessful. Defendant seeks an order that
24 their motion be filed *nunc pro tunc*, on April 27, 2005.

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1 **IT IS SO ORDERED.** Defendant's motion to dismiss, filed
2 again, pursuant to Court order on May 6, 2005, shall be deemed
3 filed April 27, 2005, *nunc pro tunc*.

4 || DATE: May 16, 2005


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE